

EMERY CELLI BRINCKERHOFF ABADY WARD & MAAZEL LLP

JONATHAN S. ABADY
MATTHEW D. BRINCKERHOFF
ANDREW G. CELLI, JR.
RICHARD D. EMERY
DEBRA L. GREENBERGER
DIANE L. HOUK
DANIEL J. KORNSTEIN
JULIA P. KUAN
HAL R. LIEBERMAN
ILANN M. MAAZEL
KATHERINE ROSENFELD
ZOE SALZMAN
SAM SHAPIRO
EARL S. WARD
O. ANDREW F. WILSON

ATTORNEYS AT LAW
600 FIFTH AVENUE AT ROCKEFELLER CENTER
10TH FLOOR
NEW YORK, NEW YORK 10020

TEL: (212) 763-5000
FAX: (212) 763-5001
www.ecbawm.com

VASUDHA TALLA
ERIC ABRAMS
DAVID BERMAN
NICK BOURLAND
DANIEL M. EISENBERG
SARA LUZ ESTELA
ANDREW K. JONDAHL
SARAH MAC DOUGALL
SANA MAYAT
HARVEY PRAGER
VIVAKE PRASAD
MAX SELVER
EMILY K. WANGER

June 16, 2023

By ECF

Hon. John G. Koeltl
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: Jones, et al. v. The City of New York, No. 17 Civ. 7577

Dear Judge Koeltl:

This firm, together with co-counsel Kaufman Lieb Lebowitz & Frick (“KLLF”), represents Plaintiffs Baron Spencer and Lloyd Jones in this action.

We are writing to the Court regarding a settlement class member named Frederick Williams. Mr. Williams recently wrote to the Court, as well as to this firm and to the settlement administrator Rust Consulting. Mr. Williams has lodged an objection to the class action settlement in this case, seeks to appear and speak at the fairness hearing to be held on July 11, 2023, and requests that this firm submit a request for records of his injuries, photos, and videos dating to March 2022.

We are writing to advise the Court of several issues regarding Mr. Williams’ objection.

First, we do not believe that Mr. Williams’ objection has any merit, as we will further explain in our forthcoming motion for final approval of the settlement.

Second, we do not oppose Mr. Williams’ request to appear at the fairness hearing and speak to the Court. Mr. Williams is in the custody of the City’s Department of Corrections. He has informed us that he wishes to appear in person rather than by phone or video teleconference. He has also designated an individual named Taia Harris to speak on his behalf if he is not brought in-person to the fairness hearing. The City has provided the following position: Mr. Williams is in the custody of the City’s Department of Correction (“DOC”) and is currently detained on Rikers Island. The City requests that should the Court order Mr. Williams’

EMERY CELLI BRINCKERHOFF ABADY WARD & MAAZEL LLP

Page 2

production at the fairness hearing scheduled for July 11, 2023, that the court order the appearance to take place remotely -- via TEAMS videoconference (TEAMS video is the most compatible with DOC technology and other methods may pose technological hurdles). The City opposes Mr. Williams' request to appear "in-person" as it imposes logistical and staffing burdens for DOC. For example, DOC would have to assign two DOC transport officers, a transport vehicle, and coordinate with the U.S. Marshal's Office. The two DOC officers are required to sit with the "person in custody" ("PIC") (Mr. Williams) throughout the duration of the hearing. Arrangements for meals are also typically coordinated by a PIC's attorney and in this instance Mr. Williams is not being represented by an attorney. For these reasons, the City respectfully requests that Mr. Williams either be ordered to appear virtually via TEAMS or his representative, who plaintiffs' counsel advises he has requested appear on his behalf if he is not brought "in-person", be permitted to appear on his behalf.

Third, this firm cannot represent Mr. Williams in an individual lawsuit arising out of the allegations contained in his letter to the Court, as we have relayed to him. We have also relayed to Mr. Williams that we cannot submit the records' request on his behalf to seek records related to the allegations described in his letter to the Court.

We are sympathetic to Mr. Williams' situation. Mr. Williams notes in his correspondence that he is legally blind and disabled, and unable to read without assistance. Should the Court direct us to assist Mr. Williams in a particular manner consistent with our obligations to the class, we will do so.

We are available to discuss any further questions that the Court may have regarding this matter.

Respectfully Submitted,

/s/ Debra L. Greenberger
Debra L. Greenberger